

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl. No.: 10/817,559 Confirmation No. 3797  
Applicant: Russell L. Miller  
Filed: April 2, 2004  
For: BATTERY CONSRUCTION FOR MOUNTING  
IN A SHELVED RACK  
TC/AU: 3637  
Examiner: Sarah L. Purol

Docket No.: D1243 1010.1  
Customer No.: 26158

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PRELIMINARY AMENDMENT AND RESPOSNE**

Sir:

Responsive to the Final Office Action dated December 10, 2008, Applicant has filed simultaneously with this Preliminary Amendment and Response a Request for Continued Examination (RCE) of Serial No. 10/817,559, filed April 2, 2004, now pending. In addition, please provide a Two-Month Extension of Time up to and including May 10, 2009 to respond to the Office Action.

The Commissioner is hereby authorized to charge the Two-Month Extension of Time fee of \$245.00 and the Request for Continued Examination fee of \$405.00 to Deposit Account No. 09-0528. If any additional fees for the accompanying Amendment and Response and Request for Continued Examination are required, Applicant requests that this be considered a petition therefor. The Commissioner is hereby authorized to charge any additional fees that may be required to Deposit Account No. 09-0528.

**Amendments to the Specification** begin on Page 3 of this paper.

Appl. No. 10/817,559  
Amdt. dated May 5, 2009  
Reply to Office Action of December 10, 2008

**Amendments to the Claims** are reflected in the Listing of Claims which begins on Page 5 of this paper.

**Remarks/Arguments** begin on Page 10 of this paper.